

**U.S. DEPARTMENT OF ENERGY
FY 1998 CONGRESSIONAL BUDGET
DEPARTMENTAL ADMINISTRATION
(Tabular dollars in thousands, Narrative dollars in whole dollars)**

GENERAL COUNSEL

PROGRAM MISSION

The Office of General Counsel is responsible for providing comprehensive legal services to the Secretary and the Department. These services include legal counsel with respect to every program and function of the Department, except those relating to the Federal Energy Regulatory Commission and Environment, Safety, and Health's administrative enforcement activities related to Nuclear Safety. General Counsel assures that the Department operates in compliance with applicable laws. The position of General Counsel is mandated by Public Law 95-91, Section 202(b).

The GOALS of the Office of General Counsel are to:

- o Anticipate the needs of the Secretary and the Department and to provide timely, sound, responsive, and innovative legal counsel and services.
- o Advance the interests of the Secretary and the Department through negotiation, dispute resolution, rulemaking, legislation, and, when necessary, litigation.

The OBJECTIVE related to these goals is to:

Provide Legal Support towards the Secretary's and the Department's missions of:

- o Protecting National Security and Reducing the Nuclear Danger
- o Enhancing Energy Security
- o Environmental Cleanup and Stewardship
- o Advancing Frontiers of Science and Technology

MAJOR ACTIVITIES:

- o General Counsel is responsible for review of proposed Departmental actions and the defense of those matters through both judicial and administrative litigation in federal and state courts, at the trial and appellate levels. Because of the diversity and magnitude of the Department's activities, a single office within General Counsel may be responsible for providing legal services with respect to as many as 50 different statutes, and the legal expertise required may encompass the entire range of the law, from issues of constitutional proportions to personnel law matters affecting individual employees.
- o General Counsel is responsible for enforcing the provisions of the Emergency Petroleum Allocation Act of 1973.
- o General Counsel is responsible for conducting several programs of Department-wide application. The Intellectual Property program manages and protects the Department's wealth of intellectual property, whether it be in the form of a patent, trademark, or copyright, that results from the billions of dollars invested in the Department's research and development activities. The Standards of Conduct program implements the ethical standards requirements of the Department of Energy Organization Act and other statutes and regulations with which current and former employees must comply.
- o General Counsel is also involved in the development and/or implementation of policies and procedures in the areas of rulemaking and alternative dispute resolution.
- o General Counsel assists other departmental elements by providing legal support to their programs, such as the drafting and review of proposed legislation.

PERFORMANCE MEASURES:

- o The Intellectual Property Program expects to have processed 4,000 - 6,000 actions associated with patents, invention disclosures, and waiver requests for each of the Fiscal Years 1996, 1997, and 1998, dependent upon funding.

**DEPARTMENT OF ENERGY
FY 1998 CONGRESSIONAL BUDGET REQUEST
DEPARTMENTAL ADMINISTRATION
(Tabular dollars in thousands, Narrative dollars in whole dollars)**

GENERAL COUNSEL

I. Mission Supporting Goals/Ongoing Responsibilities:

The goals of the Office of General Counsel are to anticipate the needs of the Secretary and the Department and to provide timely, sound, responsive, and innovative legal counsel and services; and advance the interests of the Secretary and the Department through negotiation, dispute resolution, rulemaking, legislation, and when necessary, litigation.

Program Direction has been grouped into four categories:

Salary and Benefits provide funding for full-time permanent and other than full-time permanent employees, in the following classes: salaries and wages, overtime pay, cash incentive awards, lump sum leave payments, Senior Executive Service and other performance awards, payments to funds for the benefit of employees, buy out compensation, and workmans compensation.

Travel provides funding for attorneys to attend hearings, court trials, proceedings, and to take depositions wherever necessary. Travel also provides funding for conference attendance, and employee training travel.

Support Services finance technical support services for this organization including: maintenance of the DOE law library; patent attorneys to process patent waivers, licenses, and clearances; and consulting services to receive, process and track 5,000 inventions and patent documents.

Other related expenses provides funding for DOE law library acquisitions, employee training and development, payments to other government agencies, and funding for items included in the working capital fund, for example, utilities, building operations, and maintenance, supplies, telephone service, etc.

II. Funding Table:

	FY 1996 Current <u>Appropriation</u>	FY 1997 Original <u>Appropriation</u>	FY 1997 <u>Adjustments</u>	FY 1997 Current <u>Appropriation</u>	FY 1998 Congressional <u>Request</u>
Salary and Benefits	\$14,820	\$14,727	\$0	\$14,727	\$16,856
Travel	136	136	0	136	136
Support Services	270	250	0	250	250
Other Related Expenses	<u>1,074</u>	<u>3,698</u>	<u>0</u>	<u>3,698</u>	<u>3,698</u>
Subtotal, Program Direction	\$16,300	\$18,811	\$0	\$18,811	\$20,940
Full Time Equivalents	169	165		165	176

III. Performance Summary:

FY 1996 and FY 1997 Measurable Performance Activities:

- o Continued to ensure that effective and timely legal services, counsel, and support are provided to the appropriate Departmental elements and to represent the Department as counsel before Federal, State, and other governmental agencies and courts.
- o The Intellectual Property Program expects to process 4,000 - 6,000 actions associated with patents, invention disclosures, and waiver requests.

FY 1998 Measurable Performance Activities

- o Continue to ensure that effective and timely legal services, counsel, and support are provided to the appropriate Departmental elements and to represent the Department as counsel before Federal, State, and other governmental agencies and courts.
- o The Intellectual Property Program expects to process 4,000 - 6,000 actions associated with patents, invention disclosures, and waiver requests.

IV. Explanation of Funding Changes FY 1997 to FY 1998:

The increase of \$2,129,000 in Personnel Compensation and Benefits reflects, (1), the transfer of 19 FTE's from the Economic Regulatory Administration into the Departmental Administration budget accounts, net increase is 11 FTE's (+ \$1,417K), (2) the pay raise (+ \$663K), and, (3) other (+ \$49K).

Travel requirements do not change.

Contractual Services: Contractual Services includes Support Services and Other Related Expenses. There is no increase in requirements for either category. A breakdown of these expenses follows:

Support Services:

Support Services	FY 1996 (\$000)	FY 1997 (\$000)	FY 1998 (\$000)	FY 1997/FY 1998 Change (\$000)
Technical Support Service				
Intellectual Property	\$120	\$100	\$100	\$0
Law Library Personnel	150	150	150	0
Subtotal	\$270	\$250	\$250	\$0
Management Support Services	0	0	0	0
Total Support Services	\$270	\$250	\$250	\$0

Other Related Expenses:

Other Related Expenses	FY 1996 (\$000)	FY 1997 (\$000)	FY 1998 (\$000)	FY 1997/FY 1998 Change (\$000)
Law Library - Books	\$247	\$265	\$265	\$0
Training	6	20	20	0
Government Agencies - Intellectual Property	784	690	690	0
Working Capital	0	2,703	2,703	0
Other	37	20	20	0
Total Obligational Authority	\$1,074	\$3,698	\$3,698	\$0
Use of Prior-Year Balances	0	0	0	0
Total Budget Authority	\$1,074	\$3,698	\$3,698	\$0